

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
*GREENVILLE DIVISION***

LARRY ROBINSON and NIKKI ROBINSON

PLAINTIFFS

v.

CIV NO. 4:21-cv-156-MPM-JMV

**CLARKSDALE HMA, LLC f/d/b/a
MERIT HEALTH NORTHWEST MISSISSIPPI f/d/b/a
NORTHWEST MISSISSIPPI REGIONAL MEDICAL CENTER;
RIVER OAKS MANAGEMENT COMPANY, LLC;
LAUREL DUCOTE, RN; LEVETT WILKERSON, CNA;
and DOES 1 – 10**

DEFENDANTS

**ORDER AND FINAL JUDGMENT OF DISMISSAL
AS TO DEFENDANT LEVETT WILKERSON, CNA**

THERE CAME ON for consideration the unopposed Motion of the Defendants for the dismissal of Defendant Levett Wilkerson, CNA, with prejudice on the ground that she was improperly joined in this nursing/medical negligence action. The Court has reviewed the Motion and pleadings cited therein and notes Plaintiffs' acknowledgments that the operative Complaint misstates a discrete fact (the time of Mr. Robinson's alleged fall) and that the true fact (that the alleged fall occurred at a time when CNA Wilkerson was not participating in his care) leaves them without a plausible claim and/or reasonable basis to believe that they may recover against CNA Wilkerson under Mississippi law. The Court also notes Defendants' acknowledgments that the Complaint's misstatement has no impact on claims asserted against Defendants Clarksdale HMA, LLC and River Oaks Management Company, LLC and that the claims stated against those Defendants pass scrutiny

under *Fed. R. Civ. P.* 12(c). With these acknowledgments, the Court finds that the Motion is well taken and it hereby grants the Motion.

IT IS THEREFORE ORDERED that the claims against Defendant Levett Wilkerson, CNA be and are hereby dismissed with prejudice. There being no just reason for delay, the Court thus enters this Final Judgment in her favor, with the parties to bear their respective costs as relates to that claim.

SO ORDERED, this the 9th day of February 2023.


DISTRICT COURT JUDGE

PREPARED BY:

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